

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TOMMY THOMASON,

Plaintiff,

CIVIL ACTION NO. 07-CV-15041-AA

vs.

DISTRICT JUDGE JOHN CORBETT O'MEARA

**CORRECTIONAL MEDICAL
SERVS., INC., et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

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ORDER DENYING PLAINTIFF'S MOTION TO COMPEL
AND
REQUIRING DEFENDANT CMS AND THE MICHIGAN OFFICE OF ATTORNEY
GENERAL TO PROVIDE ADDRESSES UNDER SEAL

This matter comes before the Court on Plaintiff's Motion to Compel filed on July 9, 2008. (Docket no. 46). Defendants have responded. (Docket no. 47, 52). Plaintiff has filed a Reply brief. (Docket no. 51). All pretrial matters have been referred to the undersigned for action. (Docket no. 8). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). This matter is now ready for ruling.

Plaintiff is attempting to effect service of the summons and complaint on all Defendants. Several Defendants have not yet been served. Plaintiff filed his Motion to Compel seeking to compel Defendant CMS (whom he believes employs the unserved Defendants) to provide current addresses for the Defendants. (Docket no. 46). Defendant CMS initially responded that Plaintiff had not made a discovery request of it for the addresses. (Docket no. 47). Upon further review, Defendant CMS discovered that Plaintiff had asked for Defendants' addresses by discovery served

on June 23, 2008. (Docket no. 52 ex. A). Defendant then responded to Plaintiff's discovery request on August 6, 2008. (*Id.* ex. B). Defendant did not provide any addresses in its response.

The unserved Defendants are Defendants Uy, Dick, El Shamma, Kanduru, and Stuenkel. Defendant CMS contends, and Plaintiff does not dispute, that Defendants Dr. Dick and Dr. Kanduru are not employed by CMS and have never been so employed. (Docket no. 47 at 2). Plaintiff surmises that these doctors are employees of the Michigan Department of Corrections.

Plaintiff filed his Motion to Compel on July 9, 2008 which is before the expiration of Defendants' thirty-day response period allowed under Fed. R. Civ. P. 34(b)(2)(A). Therefore, Plaintiff's motion is premature and will be denied on that basis. However, Plaintiff is proceeding *in forma pauperis* in this action. The Marshal's Service is therefore charged with ensuring service of process and for that it requires current addresses for these Defendants. The Court will therefore order Defendant CMS to provide under seal the last known addresses for Defendants Dr. El Shamma, Dr. Uy, and Dr. Stuenkel. The Court will also direct the Michigan Attorney General's Office who is currently representing a Defendant in this matter to provide under seal the last known addresses for Dr. L.A. Dick and Dr. C. Kanduru, assuming that they were or are employees of the Michigan Department of Corrections.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (docket no. 46) is **DENIED**.

IT IS FURTHER ORDERED that Defendant CMS, Inc. provide to the Court under seal the last known addresses for Defendants Dr. El Shamma, Dr. Uy, and Dr. Stuenkel on or before October 10, 2008.

IT IS FURTHER ORDERED that Attorney Bell of the Michigan Department of Attorney General, counsel for Defendant McCauley, provide to the Court under seal the last known addresses for Defendants Dr. L.A. Dick and Dr. C. Kanduru on or before October 10, 2008, if these Defendants are or were employees of the Michigan Department of Corrections.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: October 02, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Tommy Thomason and Counsel of Record on this date.

Dated: October 02, 2008

s/ Lisa C. Bartlett
Courtroom Deputy